REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated September 5, 2008 (the "*Office Action*"). At the time of the *Office Action*, Claims 1-46 are pending in the Application and Claims 10-34 are withdrawn. The Examiner rejects Claims 1-9 and 35-46. Applicant respectfully requests reconsideration and full allowance of all pending claims.

Section 102 Rejections

The Examiner rejects Claims 1-7, 9, 35-43, and 45-46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0032612 issued to Williams et al. ("*Williams*"). Applicant respectfully request reconsideration for the reasons discussed below.

The pending Application was filed by Applicant on March 26, 2001. The pending Application properly claims priority to Provisional application 60/191,811, filed March 24, 2000.[1]

Williams was filed as a utility application on March 27, 2001. *Williams* claims priority to three provisional applications. The earliest filing from which *Williams* claims priority is Provisional application No. 60/192,692, filed on March 28, 2000 ("*Williams Provisional*"). Thus, both the filing dates of *Williams* and the *Williams Provisional* fall after Applicant's priority filing date of March 24, 2000. Accordingly, Applicant submits that *Williams* may not properly be used to reject Applicant's Claims 1-7, 9, 35-43, and 45-46 under 35 U.S.C. § 102(e).

For at least these reasons, Applicant respectfully contends that the proposed rejection of Claims 1-7, 9, 35-43, and 45-46 is improper. Applicant requests that the rejection be withdrawn and the claims allowed.

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[1] Applicant notes that the filing date of March 26, 2001, is more than a year after the filing of the provisional filing date on March 24, 2001. Applicant has verified, however, that March 24, 2001, fell on a Saturday. Therefore, Applicant properly filed the utility application within the one-year deadline on March 26, 2001.

Section 103 Rejections

The Examiner rejects Claims 8 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Williams* in view of U.S. Patent Application Publication No. 2002/0010634 issued to Roman et al. ("*Roman*"). Applicant respectfully request reconsideration for the reasons discussed below.

Applicant has demonstrated above that *Williams* is not prior art with respect to Applicant's claims. As such *Williams* cannot be properly combined with *Roman* to reject Claims 8 and 44 under 35 U.S.C. § 103(a) over the proposed *Williams-Roman* combination.

For at least these reasons, Applicant respectfully contends that the proposed rejection of Claims 8 and 44 is improper. Applicant requests that the rejection be withdrawn and the claims allowed.

No Waiver

Additionally, Applicant has merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the Examiner's rejections.
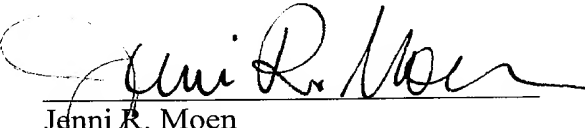
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicant, at the Examiner's convenience at (214) 953-6809.

Applicant believes that no fees are due; however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: November 4, 2008

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